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CLOSED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$150,854.00 IN UNITED STATES
CURRENCY

Defendant *in rem*.

Hon. Dennis M. Cavanaugh

Civil Action No. 12-4547 (DMC)

DEFAULT JUDGMENT AND
FINAL ORDER OF FORFEITURE

WHEREAS, on July 20, 2012, a Verified Complaint for Forfeiture was filed in the United States District Court for the District of New Jersey against \$150,854.00 in United States currency (the "defendant currency") that was seized from Kency Dessaps on February 15, 2012 at Liberty International Airport, Elizabeth, New Jersey, pursuant to 31 U.S.C. § 5317, which subjects to forfeiture to the United States any property involved in or traceable to a violation of 31 U.S.C. § 5316, and pursuant to 31 U.S.C. § 5332(c), which subjects to forfeiture to the United States any property involved in or traceable to a violation of 31 U.S.C. § 5332; and

WHEREAS pursuant to the Warrant for Arrest In Rem issued by the Clerk of the Court on July 23, 2012, the United States seized the defendant currency; and

WHEREAS on or about July 25, 2012, the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and a Notice of Forfeiture were sent certified mail, return receipt requested, to Howard B. Brownstein, Esq., 512 42nd Street, Union, New Jersey 07087, counsel for Kency Dessaps (See Declaration of Peter Gaeta with Exhibits, hereinafter "Gaeta Decl" at Exhibit A, filed herein); and

WHEREAS on or about July 30, 2012, copies of the Verified Complaint for Forfeiture, Warrant for Arrest In Rem, and Notice of Forfeiture were received by Howard B. Brownstein, Esq., 512 42nd Street, Union, New Jersey 07087, counsel for Kency Dessaps (*Id.*); and

WHEREAS as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, Notice of Civil Forfeiture was posted on an official internet government forfeiture website, namely www.forfeiture.gov for at least 30 consecutive days, beginning on July 26, 2012, notifying all third parties of their right to file a claim with the Court within 60 days from the first day of publication for a hearing to adjudicate the validity of their alleged legal interest in the property (See Gaeta Decl. at Exhibit B, filed herein); and

WHEREAS on September 14, 2012, a Request of the Clerk of the Court for Entry of Default was filed in the United States District Court for the District of New Jersey against Kency Dessaps for any interest he may have in the defendant currency (*See* ECF Docket #4); and

WHEREAS on October 10, 2012, the Clerk for the United States District Court for the District of New Jersey entered Default against Kency Dessaps for any interest he may have in the defendant currency; and

WHEREAS no conforming Claim has been filed within the time required by Rule G(5)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, and 18 U.S.C. § 983(a)(4)(A) for the defendant currency.

NOW THEREFORE, IT IS HEREBY, ORDERED, ADJUDGED AND DECREED:

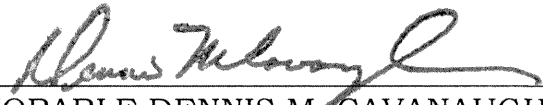
1. That a Default Judgment and a Final Order of Forfeiture is granted against the Defendant Currency, namely \$150,854.00 in United States currency, and no right, title or interest in the defendant currency shall exist in any other party; and

2. That any and all forfeited funds, including but not limited to currency, currency equivalents and certificates of deposits, as well as any income derived as a result of the United States Department of Homeland Security, Customs and Border Protection's management of any property forfeited herein, after the payment of costs and expenses incurred in connection with the forfeiture and disposition of the forfeited property, shall be

deposited forthwith by the United States Department of Homeland Security, Customs and Border Protection into the Department of the Treasury Forfeiture Fund, in accordance with the law.

The Clerk is hereby directed to send copies to all counsel of record.

ORDERED this 5th day of NOVEMBER, 2012



HONORABLE DENNIS M. CAVANAUGH
UNITED STATES DISTRICT JUDGE